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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/690,081	10/21/2003	Jason W. Smith	808601-1000	4822
20999 7590 06/05/2007 FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			EXAMINER HASAN, SYED Y	
			ART UNIT 2621	PAPER NUMBER
			MAIL DATE 06/05/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/690,081	Applicant(s) SMITH, JASON W.	
	Examiner Syed Y. Hasan	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. Claims 1 – 6 are rejected under 35 U.S.C. 102(a) as being anticipated by Newman et al (US 6154600)

Regarding claim 1 Newman et al discloses a portable instrument (figure 1, 122 and 124, col 6, line 19 - 20, main unit 122 and remote control 124 act as a portable instrument) for editing (col 5, line 63, non-linear editing system) audio/video (figure 4a, 162, col 7, line 5, a video signal input 162, and 164, col 7, lines 6 – 7, an audio signal input 164) clips (col 13, lines 65 - 67, audio/video clips) in real time (abstract, real time) said instrument comprising:

processing means for processing said audio/video clips (figure 5, 200, col 7, lines 25 – 26, non-linear editor 200 acts as a processing unit)

storage means for storing a plurality of said audio/video clips and a plurality of special effects (figure 5, 222 and figure 13, 552, col 16, lines 59 – 62, illustrate storing input audio/video clips with special effects)

first selecting means for selecting a clip from said plurality of audio/video clip (figure 8, 380, col 14, lines 11 – 14, illustrate selecting a clip)

second selecting means for selecting a special effect from said plurality of special

effects (figure 8, 386, col 14, lines 34 – 36, illustrate selecting special effects) and

outputting means for outputting the processed audio/video clips in real time (col 8, lines 34 – 39, illustrate outputting processed clips in real time to a television set)

wherein said processing means applies said selected special effect to said audio/video clips (col 3, lines 63 – 67 and col 4, lines 1 – 5, illustrate special effect being performed on audio/video clips)

Regarding claim 2 Newman et al discloses the portable instrument further comprising a receiving means for receiving said audio/video clips (col 7, lines 26 – 28, illustrate the receiving function)

Regarding claim 3 Newman et al discloses the portable instrument wherein said receiving means is a wireless receiving means (figure 1, 106, col 6, lines 8 – 12, illustrate wireless links 106)

Regarding claim 4 Newman et al discloses the portable instrument further comprising a transmitting means for transmitting the processed audio/video clips (col 8, lines 34 – 39, illustrate outputting processed clips in real time to a television set)

Regarding claim 5 Newman et al discloses the portable instrument wherein said transmitting means is a wireless transmitting means (figure 1, 106, col 6, lines 8 – 12, illustrate wireless links 106)

The method claim 6 is rejected based on claim 1 above.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2621

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Newman et al (US 6154600) in view of Peters (US 5577190)

Regarding claim 7, Newman et al discloses all of the above (see claim 1 above)

However, Newman et al does not disclose a computer readable medium having a computer readable program

Peters on the other hand teaches a computer readable medium having a computer readable program (col 4, lines 56 – 58)

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate a computer readable medium having a computer readable program as taught by Newman et al in the system of Peters in order to allow easier editing of the audio/video clips.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure

Stienstra (US 2004/0174431) discloses a device for interacting with real-time streams of content.

Camara et al (US 7039727) discloses a system and method for controlling mass storage class digital imaging devices.

Collins et al (US 5855483) discloses an interactive play with computer.

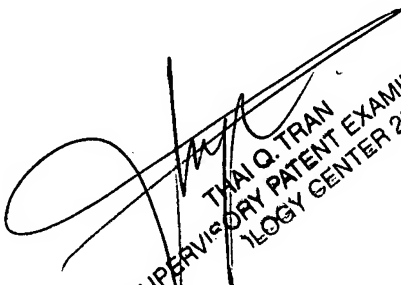
Art Unit: 2621

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Syed Y. Hasan whose telephone number is 571-270-1082. The examiner can normally be reached on 9/8/5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

S.Y.H.
5/17/2007



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